Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-21: Cancelled

22. (Currently Amended) A compound ~~of claim 1~~ selected from the group consisting of:

(2-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Bromophenyl)-[2-(3-dimethylamino-propylsulfanyl)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-{3-methyl-2-[2-(1-methylpyrrolidin-2-yl)-ethylsulfanyl]-3*H*-imidazol-4-yl}-methanone;

(4-Fluorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(3-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylsulfanyl)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-[3-methyl-2-(3-piperidin-1-yl-propylsulfanyl)-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-[2-(3-dimethylamino-propylsulfanyl)-3-methyl-3*H*-imidazol-4-yl]-methanone oxime;

(4-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

[2-(3-Dimethylamino-propylsulfanyl)-3-methyl-3*H*-imidazol-4-yl]-phenyl-methanone;

(3,5-Dichlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

[2-(1-Isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-(4-trifluoromethyl-phenyl)-methanone;

[2-(1-Isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-(4-nitro-phenyl)-methanone;

(4-Bromophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Bromophenyl)-[2-(1-ethyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-[3-methyl-2-(1-methyl-piperidin-4-ylsulfanyl)-3*H*-imidazol-4-yl]-methanone;

(4-Bromophenyl)-[3-methyl-2-(3-piperidin-1-yl-propylsulfanyl)-3*H*-imidazol-4-yl methanone;

4-{Hydroxy-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methyl}-benzonitrile; and

(4-Bromophenyl)-[2-(1-*sec*-butyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

or a pharmaceutically acceptable ~~ester, ether, *N*-oxide, amide,~~ salt~~, hydrate or isotopically labeled form~~ thereof.

23. (Currently Amended) A compound of claim ~~1~~ 22 selected from the group consisting of:

(2-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Bromophenyl)-[2-(3-dimethylamino-propylsulfanyl)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-{3-methyl-2-[2-(1-methylpyrrolidin-2-yl)-ethylsulfanyl]-3*H*-imidazol-4-yl}-methanone;

(4-Fluorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(3-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylsulfanyl)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-[3-methyl-2-(3-piperidin-1-yl-propylsulfanyl)-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-[2-(3-dimethylamino-propylsulfanyl)-3-methyl-3*H*-imidazol-4-yl]-methanone oxime;

(4-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

[2-(3-Dimethylamino-propylsulfanyl)-3-methyl-3*H*-imidazol-4-yl]-phenyl-methanone;

(3,5-Dichlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

[2-(1-Isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-(4-trifluoromethyl-phenyl)-methanone;

[2-(1-Isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-(4-nitro-phenyl)-methanone; and

(4-Bromophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

or a pharmaceutically acceptable ~~ester, ether, *N*-oxide, amide,~~ salt~~, hydrate or isotopically labeled form~~ thereof.

24. (Currently Amended) A compound of claim ~~1~~ 23 selected from the group consisting of:

(4-Fluorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone;

(4-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone; and

[2-(1-Isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-(4-nitro-phenyl)-methanone;

or a pharmaceutically acceptable ~~ester, ether, *N*-oxide, amide,~~ salt~~, hydrate or isotopically labeled form~~ thereof.

25. (Currently Amended) The compound of claim ~~1~~ 24 having the formula (4-Chlorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone or a pharmaceutically acceptable ~~ester, ether, *N*-oxide, amide,~~ salt~~, hydrate or isotopically labeled form~~ thereof.

26. (Currently Amended) The compound of claim ~~1~~ 24 having the formula (4-Fluorophenyl)-[2-(1-isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-methanone or a pharmaceutically acceptable ~~ester, ether, *N*-oxide, amide,~~ salt~~, hydrate or isotopically labeled form~~ thereof.

27. (Currently Amended) The compound of claim ~~1~~ 24 having the formula [2-(1-Isopropyl-piperidin-4-ylmethoxy)-3-methyl-3*H*-imidazol-4-yl]-(4-nitro-phenyl)-methanone or a pharmaceutically acceptable ~~ester, ether, *N*-oxide, amide,~~ salt~~, hydrate or isotopically labeled form~~ thereof.

28-30: Cancelled.

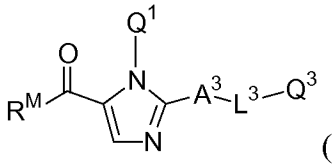
31. (Currently Amended) A pharmaceutical composition comprising a pharmaceutically acceptable excipient and a compound of claim ~~1, 20, 21, or 24~~ 22.

32. (Cancelled)

33. (Currently Amended) A method of treating a subject having a disease or condition modulated by histamine H_3 receptor activity, comprising administering to the subject a therapeutically effective amount of a compound of claim ~~1, 21, or 24~~ 22, wherein said disease or condition is selected from the group consisting of sleep/wake disorders, arousal/vigilance disorders, migraine, epilepsy and narcolepsy.

34-39. Cancelled

40. (Previously Presented) A process for the production of a compound of the formula (11):



(11)

wherein:

Q^1 is selected from the group consisting of C_{1-7} alkyl, C_{1-7} haloalkyl and C_{2-7} alkenyl;

wherein Q^1 may be substituted with one or more substituents selected from the group consisting of halo, cyano, hydroxy, OR^{11}, C_{1-5} alkyl, C_{1-5} haloalkyl, C_{2-5} alkenyl, nitro, amino (H_2N-), $R^{11}HN$-, $R^{11}R^{12}N$-, ($H_2NC(O)$), $R^{11}HNC(O)$, $R^{11}R^{12}NC(O)$ and $R^{11}OC(O)$, and

wherein R^{11} and R^{12} are independently C_{1-5} alkyl, C_{1-5} haloalkyl or C_{2-5} alkenyl;

R^M is selected from the group consisting of C_{1-7} alkyl, $R^{M1}HN$- $R^{M1}R^{M2}N$-, C_{3-7} cycloalkyl, aryl, biaryl and 4-7 membered heterocyclyl,

wherein R^M may be substituted with one or more substituents independently selected from the group consisting of halo, cyano, hydroxy, OR^{M1}, C_{1-5} alkyl, C_{1-5} haloalkyl, C_{2-5} alkenyl, nitro, amino (H_2N-), $R^{M1}HN$-, $R^{M1}R^{M2}N$-, amido ($H_2NC(O)$), $R^{M1}HNC(O)$ and $R^{M1}R^{M2}NC(O)$, and

wherein R^{M1} and R^{M2} are independently C_{1-5} alkyl, C_{1-5} haloalkyl or C_{2-5} alkenyl;

A^3 is NH, NR^3, sulfur or oxygen, wherein R^3 is C_{1-5} alkyl;

L^3 is C_{1-7} alkyl or C_{2-7} alkenyl;

wherein L^3 may be substituted with one or more substituents selected from the group consisting of halo, hydroxy, methoxy and amino (H_2N-);

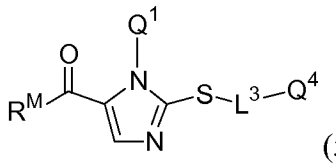
or L^3 is absent; and

Q^3 is selected from the group consisting of C_{1-7} alkyl, C_{1-7} haloalkyl, C_{2-7} alkenyl, C_{3-7} cycloalkyl, C_{5-7} cycloalkenyl, aryl, 4-7 membered heterocyclyl, C_{3-7} cycloalkyl-4-7 membered heterocyclyl, 4-7 membered heterocyclyl- C_{3-7} cycloalkyl, bi-(4-7 membered heterocyclyl), $R^{31}HN$-, $R^{31}R^{32}N$-, azinoyl ($R^{31}HN^+(O^-)$ or $R^{31}R^{32}N^+(O^-)$), C_{3-7} cycloalkylamino, 4-7 membered heterocyclylamino, aryl C_{1-6} alkylamino, C_{3-7} cycloalkylsulfanyl, 4-7 mebered heterocyclylsulfanyl and 4-7 membered heterocyclyloxy;

wherein Q^3 may be substituted with one or more substituents selected from the group consisting of halo, cyano, hydroxy, OR^{31}, C_{1-5} alkyl, C_{1-5} haloalkyl, C_{2-5} alkenyl, nitro, amino (H_2N-), $R^{31}HN$-, $R^{31}R^{32}N$-, ($H_2NC(O)$), $R^{31}HNC(O)$, $R^{31}R^{32}NC(O)$, $R^{31}OC(O)$, C_{3-7} cycloalkyl, monocyclic 4-7 membered heterocyclyl and monocyclic 4-7 membered heterocyclyl- C_{1-6} alkyl, and

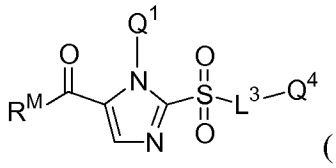
wherein R^{31} and R^{32} are independently C_{1-5} alkyl, C_{1-5} haloalkyl or C_{2-5} alkenyl;

that comprises treating a compound of the formula (5b)



(5b)

wherein Q^4 is hydrogen, with an oxidizing agent resulting in an intermediate compound of the formula (10)



(10)

and treating said intermediate compound (10) with a reagent H-A^3-L^3-Q^3, wherein L^3 of the reagent H-A^3-L^3-Q^3 is independent of L^3 of formula (5b) and formula (10), in the presence of a base in a suitable solvent yielding said compound of formula 11.

41. (Original) A process according to claim 40, wherein said oxidizing agent is either hydrogen peroxide in acetic acid, or 3-chloroperoxybenzoic acid in dichloromethane or diethyl ether.

42. (Original) A process according to claim 40, wherein said base is an alkali metal hydride.

43. (Original) A process according to claim 42, wherein said alkali metal hydride is sodium hydride.

44. (Original) A process according to claim 50, wherein said suitable solvent is a member selected from the group consisting of dimethylformamide, benzene, 1,2-dimethoxyethane and tetrahydrofuran.

45. (Original) A process according to claim 54, wherein said suitable solvent is tetrahydrofuran.